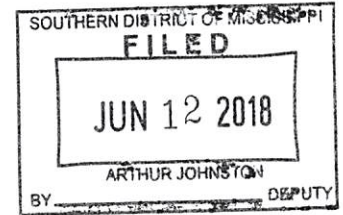


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CAMERON POLK; KEITH EARNEST; WALTER  
RIDDICK; FREDERICK WHITE; REGINALD  
LANTERN; LEVEL WALLEY; KEITH JOSEPH;  
WILLIE CRAFT; JASON JIMISON; KENNETH  
BARRON; JARED GEORGE; MICHAEL PURNELL;  
JUSTIN ROLLINS; SCOTT DELOACH; KEITH  
LOTT; JAMES MARTIN; BRYAN PHILLIPS;  
MICHAEL ROBBINS; SCOTT CARNEGIE and  
JAMES SMITH



PLAINTIFFS

VS.

CIVIL ACTION NO. 3:18 cv 382-DPJ-FKB

STATE OF MISSISSIPPI;  
MISSISSIPPI DEPARTMENT OF  
PUBLIC SAFETY and JOHN DOES 1 - 5

DEFENDANTS

NOTICE OF REMOVAL

TO: Daniel M. Waide, Esq.  
Johnson, Ratliff & Waide, PLLC  
1300 Hardy Street  
Hattiesburg, Mississippi 39401

Honorable Zack Wallace  
Hinds County Circuit Clerk  
Post Office Box 327  
Jackson, Mississippi 39205

Pursuant to 28 U.S.C. §§ 1441(b) and (c), defendants State of Mississippi and Mississippi Department of Public Safety hereby remove this action, *Cameron Polk, et al. vs. State of Mississippi, et al.*, Civil Action No. **18-295**, from the Circuit Court of the First Judicial District of Hinds County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division. In support of this removal, these

defendants would show unto the Court as follows:

1. In their Complaint, Plaintiffs explicitly seek relief under 42 U.S.C. § 1983 for First Amendment retaliation, due process violations and denial of equal protection. *See Exhibit 1, Complaint, pp. 8 - 10.* Because Plaintiffs are seeking relief for alleged violations of federal law, the Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and §§ 1441(b) and (c).

2. Plaintiffs also make state law claims for declaratory and injunctive relief. The state law claims alleged by Plaintiffs are “so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). As such, this Court has supplemental jurisdiction over all of Plaintiffs’ state law claims as well. *Id.*

3. Plaintiffs filed their Complaint on May 29, 2018. *Ex. 1, p. 7.* The Defendants were served with process on June 5, 2018. *Ex. 1, p. 20.* This notice of removal is timely under 28 U.S.C. § 1446(b), because it is being filed no later than thirty days after service on Defendants. While Plaintiffs’ Complaint includes as defendants “John Does 1 - 5,” none of these John Doe defendants have been specifically identified or served in this action. As such, their consent is not necessary for removal. 28 U.S.C.A. § 1446(b)(2)(A).

4. The United States District Court for the Southern District of Mississippi, Northern Division, embraces the county (Hinds) in which the state court action is now pending. Thus, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

5. Copies of all process, pleadings and orders served upon these defendants are collectively appended to this notice of removal as Exhibit 1 pursuant to 28 U.S.C. § 1446(a). Pursuant to L.U.Civ.R. 5(b), a certified copy of the entire state court record is appended to this notice of removal as Exhibit 2.

6. Defendants are filing this written notice of removal with the Clerk of the Hinds County Circuit Court, First Judicial District, where this action is currently pending, pursuant to 28 U.S.C. § 1446(d). A copy of this notice of removal is also being served upon Daniel Waide, counsel for the Plaintiff, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully remove this action from the Circuit Court of the First Judicial District of Hinds County, Mississippi, to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

RESPECTFULLY SUBMITTED, this the 8th day of June, 2018.

**STATE OF MISSISSIPPI and MISSISSIPPI  
DEPARTMENT OF PUBLIC SAFETY,  
DEFENDANTS**

**JIM HOOD, ATTORNEY GENERAL  
STATE OF MISSISSIPPI**

BY: 

BENNY M. MAY (MSB #100108)

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Telephone: (601) 359-3680  
Facsimile: (601) 359-2003

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have this day caused to be mailed, via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing document, together with the exhibits referenced therein, to the following interested parties:

Daniel M. Waide, Esq.  
*Johnson, Ratliff & Waide, PLLC*  
1300 Hardy Street  
Hattiesburg, Mississippi 39401

Honorable Zack Wallace  
Hinds County Circuit Clerk  
Post Office Box 327  
Jackson, Mississippi 39205

This, the 12th day of June, 2018.

  
\_\_\_\_\_  
Benny M. May